

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

James Jorissen,
Plaintiff

vs.

Quality Loan Service,
Defendant

Case No.: 2:14-cv-765-JAD-PAL

Order

On July 1, 2014, plaintiff filed a document entitled “Plaintiff James Jorissen Moves this Court for a Petition in the Nature of Amended Complaint for Quiet Title.” Doc. 5. I liberally construed this pro se filing as an amended complaint and a request for leave to file it, Doc. 6, and I gave Jorissen until August 30, 2014, to retitle the document “Amended Complaint” and file it. *Id.* Jorissen filed nothing, and on December 11, 2014, I gave him one more chance to file the amended complaint in a proper format. I warned him that his failure to retitle and file the document by December 22, 2014, “may result in sanctions for failure to comply with a court order, including striking of the amended complaint.” *Id.* To date, plaintiff still has not complied with this court’s two orders in this regard. Plaintiff’s amended complaint, Doc. 5, shall be disregarded to the extent it purported to be an amended complaint; the original complaint, Doc. 1, is the operative complaint in this case.

The record is also devoid of evidence that Jorissen filed and served his original May 15, 2014, complaint on defendant Quality Loan Services. Federal Rule of Civil Procedure 4(m) states, “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m). This case is now nine-months old and there is no evidence in the record that plaintiff properly served

1 a summons and the complaint on the only defendant in this case, Quality Loan Service. The court
2 will give Jorissen until April 6, 2014, to either (1) file proof of proper service on Quality Loan
3 Service, or (2) show good cause (by filing a document entitled "response to order to show cause")
4 why he failed to timely serve this defendant as required by the Rules of Civil Procedure. Jorissen is
5 strongly cautioned that his failure to take one of these steps by April 6, 2015, will result in the
6 dismissal of his case without further prior notice.

7 Accordingly, IT IS HEREBY ORDERED that Jorissen's amended complaint (as erroneously
8 titled at Doc. 5) will be DISREGARDED for failure to comply with this court's orders. His original
9 complaint (Doc. 1) remains the operative complaint in this case;

10 IT IS FURTHER ORDERED that Jorissen has until April 6, 2015, to either (1) file proof of
11 proper service on Quality Loan Service, or (2) show good cause (by filing a document entitled
12 "response to order to show cause") why he failed to timely serve this defendant as required by the
13 Rules of Civil Procedure; if he does neither, his claims will be dismissed.

14 March 11, 2015.

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18 Jennifer A. Dorsey
19 United States District Judge
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